

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SOLOMON ADU-BENIAKO,

Plaintiff,

v.

Case Number 21-12778

Honorable David M. Lawson

Magistrate Judge Kimberly A. Altman

CHERYL WYKOFF PENZON,
MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY
AFFAIRS, PATRICK REIMANN,
and DRUG ENFORCEMENT
ADMINISTRATION,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING WITH
PREJUDICE CLAIMS AGAINST DEFENDANTS DEA AND REIMANN, AND
REMANDING CLAIMS AGAINST DEFENDANTS LARA AND PEZON**

Presently before the Court is the report issued on April 12, 2022 by Magistrate Judge Kimberly G. Altman pursuant to 28 U.S.C. § 636(b). The report recommends that the Court grant defendants Patrick Reimann's and the Drug Enforcement Administration's motion to dismiss the plaintiff's claims against them with prejudice; deny without prejudice defendants Cheryl Wykoff Pezon's and the Michigan Department of Regulatory Affairs's (LARA) motion to dismiss; and remand the plaintiff's claims against defendants Pezon and LARA to state court. The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that the motion to dismiss by defendants Reimann and the DEA (ECF No. 9) is **GRANTED**, and the claims against them are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the motion to dismiss by defendants Pezon and LARA (ECF No. 10) is **DENIED WITHOUT PREJUDICE**, and the case is **REMANDED** to Oakland County, Michigan circuit court.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 3, 2022